

TOWNSHIP OF MARLBORO

ZONING BOARD OF ADJUSTMENT

1979 TOWNSHIP DRIVE

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Planner

T & M Associates

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MINUTES

MARLBORO TOWNSHIP ZONING BOARD

February 11, 2014

SALUTE TO FLAG

PUBLIC SESSION

PRESENT ... MR. LEVIN, MR. WEILHEIMER, MR. SHAPIRO, MS. DI GRANDE, DR. ADLER , MR. WILDMAN

ARRIVED 8:45... MR. ZWERIN

ABSENT... MR. SOLON

PROFESSIONALS PRESENT... MS. NEUMANN, MR. CRAMER, MR. CUCCHIARO, MR. KATARYNIAK

Mr. Shapiro, Chairman called the meeting to order.

A motion to approve the minutes of January 14 was offered by Mr. Shapiro, seconded by Mr. Levin. In favor: Mr. Levin, Mr. Shapiro, Ms. DiGrande, Mr. Weilheimer, Dr. Adler, Mr. Wildman

Z.B. 13-6491 - JAKUBIAK – SOOHOO

Public Hearing – Bulk Variance: The site is located at 100 Sandalwood Dr., Block 420 Lot 37, in the R-80 Zone. The applicant is requesting relief to allow existing shed and fence to remain and install a generator on premise, with insufficient side setbacks for accessory structure.

Mr. Jeff Jakubiak appeared before the Zoning Board of Adjustment. He testified that the only improvement to his property since he took ownership had been to fence the pool area in coordination with obtaining a CCO.

The board discussed request to repair fencing in front yard and location for generator. The new fencing is proposed to replace current chain link, in a more aesthetic style consistent with other fencing on the property. The location of generator is proposed to be on a pre-existing fenced in pad. The board discussed that the proposed fencing was an improvement and proposed positioning of generator was appropriate for the property. Dr. Adler asked that running

generator for routine maintenance is scheduled for times of least disturbance to neighboring residents. The applicant agreed.

Mr. Shapiro closed public hearing

A motion to approve Z.B. 13-6491 was offered by Mr. Shapiro, seconded by Mr. Wildman. In favor: Mr. Levin, Mr. Shapiro, Ms. DiGrande, Mr. Weilheimer, Dr. Adler, Mr. Wildman

Z.B. 13-6478 - INSURANCE AUTO AUCTIONS, CORP.

Continued Public Hearing for an expansion of a nonconforming Use. The site is located at 426 Texas Road, Block 146 Lots 28, 30, 31, 33, in the LC Zone. The applicant is requesting an approval for extended hours of operation.

Mr. Cucchiaro, Esq., board attorney, clarified that the applicant was now seeking a D1 use variance and was properly noticed. Mr. Alfieri, Esq., attorney for the applicant stated that they were seeking a D1 use variance for the entire site located in the LC zone. The application had evolved for more clarity and to avoid future enforcement issues because the use will be better defined. The applicant is requested hours of operation to be permitted 8:00AM to 5:30PM Monday - Friday, 5:30PM-7:00PM additional drop off hours, 9:00AM to 5:00PM Saturday hours. No business on Sunday. Additional drop off hours at the Tyler and Texas drop off location, pending site plan approval.

Kevin Quinlan, Esq., attorney for the objectors asked if a site plan had been submitted. It was confirmed by the board attorney and the applicant's attorney that a survey had been submitted for purposes of the use variance and the site has not changed. Mr. Cucchiaro, advised the board that a decision was necessary to determine if site plan with checklist would be required in order to proceed. Site plan can be requested at a subsequent point in the process.

A motion to allow applicant to proceed with testimony prior to a formal site plan submission was offered by Mr. Shapiro, seconded by Mr. Weilheimer. In favor: In favor: Mr. Levin, Mr. Shapiro, Ms. DiGrande, Mr. Weilheimer, Dr. Adler, Mr. Wildman

Mr. Cucchiaro confirmed that a new application was not necessary, notice requirements were met and the board could proceed to hear new testimony. The plan is unchanged, just the nature of relief, therefore not requiring additional site inspection.

Joseph Velba testified regarding history of property. Upon questioning from Mr. Quinlan on order for judgment requiring re-forestation, Mr. Velba responded that no re-forestation had been done since he took possession of property in 1979. He could not answer questions regarding drainage of fluids, indicating that he does not run the yard which is the responsibility of IAA.

Mr. James Higgins, planner for the applicant, testified that the proposed use is less intense than the junk yard use, the property is particularly suited since IAA has operated there for 25 years and the use serves the general welfare as it relates to recycling of solid waste and storage of vehicles that may be damaged or the product of police action. Mr. Quinlan questioned Mr. Higgins on fence location, re-forestation and need for site plan as it relates to access, parking and office space. Mr. Cucchiaro clarified that advancing the general welfare applies to municipal solid waste and that auction vehicles do not apply.

Isabel Shaw, 470 Texas Road, questioned historic references to the area as indicated as industrial or appropriate for junk yards and asked how this business cannot be considered detrimental to the area. Maryann DeTerlizzi, who did not provide an address, questioned the height and location of the fence and whether that had been previously approved. Mr. Higgins was unaware of prior approval on fence.

Mr. Shapiro called for testimony from the public. Mrs. Shaw spoke on the responsibility of the board to plan for improvement of neighborhoods, sighting improvements to urban areas like Jersey City. She stated that as opposed to the planner's testimony, the Texas Road area has many good qualities and is not the industrial area that it has been labeled

Mr. Cucchiaro advised the board to determine what is being considered at this time; use variance with site plan or bifurcated application.

Mr. Shapiro closed the public hearing.

A motion to bifurcate application ZB 13-6478 was offered by Mr.Shapiro, seconded by Mr. Zwerin. In favor: Mr. Levin, Mr.Shapiro, Ms.DiGrande, Mr.Weilheimer, Mr. Zwerin, Dr. Adler, Mr. Wildman

Mr. Cucchiaro briefly discussed background of application and need to look specifically at the proposed use, not the junk yard. The impact on the junk yard license is not a zoning board issue.

A motion to approve ZB 13-6478 – use variance was offered by Mr.Shapiro, seconded by Mr. Wildman. In favor: Mr.Shapiro, Ms.DiGrande, Mr.Weilheimer, Mr. Zwerin, Dr. Adler, Mr. Wildman. Abstain: Mr. Levin

Z.B. 13-6492 - SARAI MANAGEMENT, LLC

Public Hearing- Use and Density Variance: The site is located at Wicker Pl, Block 108 Lots 14, 15, 16, & 17, in the R-30/20 Zone. The applicant is seeking approval for Site Plan approval for preliminary and final site plan approval with four homes – including two zero lot line, attached single family homes.

This application was not heard and has been carried to meeting of 2/25/14.

Z.B. 13-6485 SHELDON ROGERS – MEMORIALIZATION OF RESOLUTION GRANTING AMENDED PRELIMINARY & FINAL SITE PLAN APPROVAL

A motion in the affirmative was offered by Mr.Shapiro, seconded by Mr. Levin. In favor: Mr. Levin, Mr.Shapiro, Ms.DiGrande, Mr. Weilheimer, Mr. Zwerin, Dr. Adler

Z.B. 13-6493 GARY & DEBRA RIKER – MEMORIALIZATION OF RESOLUTION GRANTING A BULK VARIANCE-USE VARIANCE

A motion in the affirmative was offered by Mr.Shapiro, seconded by Mr. Zwerin. In favor: Mr. Levin, Mr.Shapiro, Ms.DiGrande, Mr. Weilheimer, Mr. Zwerin, Dr. Adler

Motion to Adjourn offered by Mr. Shapiro, seconded by Mr. Weilheimer. In favor: One vote was cast.

Respectfully submitted,

Adrienne Spota